REMARKS / DISCUSSION OF ISSUES

Claims 1-12 are pending in the application.

The Office action rejects claims 1-12 under 35 U.S.C. 103(a) over Komuro et al. (USP 6,223,285, hereinafter Komuro) and Gray et al. (USP 5,706,348, hereinafter Gray). The applicant respectfully traverses this rejection.

The Examiner's attention is requested to MPEP 2142, wherein it is stated:

> "To establish a *prima facie* case of obviousness ... the prior art reference (or references when combined) ***must teach or suggest all the claim limitations***... If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness."

Claim 1, upon which claims 2-8 depend, claims a secure communication system that includes a key resolver that determines which of a plurality of candidate sink session keys corresponds to a source session key used to encrypt the encrypted part of a received packet, by causing a decryptor to decrypt data in a key check block field of a received packet under control of a different one of the plurality of candidate sink session keys until a valid decryption result is found; and causes the decryptor to decrypt a remaining encrypted part of the data field of the packet under control of the candidate sink session key which produced the valid decryption result. The Office action relies upon the rejection of claim 1 to support the rejection of claims 9-12.

Neither Komuro nor Gray teach decrypting data of a received packet under control of a different one of the plurality of candidate sink session keys until a valid decryption result is found and causing a decryptor to decrypt a remaining encrypted part of the data field of the packet under control of the candidate sink session key that produced the valid decryption result.

The Office action acknowledges that Komuro does not disclose a key check block that is decrypted by the candidate sink session keys until a valid result is obtained. Specifically, Komuro's "EMI Extractor" 440/540 that determines which session key was used to encrypt a packet operates directly on the

received data, before any decryption is performed (Komuro's FIG. 5A/5B). Thus Komuro also does not teach decrypting a remaining encrypted part of the packet under control of a sink session key that produced a valid decryption result.

The Office action relies on Gray for teaching decrypting data of a received packet under control of a different one of the plurality of candidate sink session keys until a valid decryption result is found and causing a decryptor to decrypt a remaining encrypted part of the data field of the packet under control of the candidate sink session key that produced the valid decryption result. The applicant respectfully disagrees with this characterization of Gray.

As taught by Gray, a new/next decryption key is communicated to a receiver, and then transmits a marker packet that signals the commencement of the use of this new decryption key. At any point in time, Gray's system contains two decryption keys: the current key, and the new/next key, and the choice of which to use is based on receipt of a market packet. Of particular note, Gray's marker packet is decrypted using the current decryption key (Gray's FIG. 7, and column 6, lines 3-27). Gray determines whether the decrypted packet contains an extracted CRC value that matches a calculated CRC value as a first test in determining whether the packet is a marker packet. Gray assumes that all packets are properly decrypted by the current key, and does not test for the validity of the decryption. That is, if the marker packet is not validly decrypted, it will not be recognized as the marker packet, and Gray's system will continue to apply the current key to subsequent packets. Gray does not teach applying a different key (the next key) to the packet if a valid decryption result is not found, and thus cannot be said to apply a different key until a valid decryption result is found, because Gray assumes that each decryption provides a valid decryption result.

The applicant respectfully maintains that the decryption of a marker packet using the current decryption key does not correspond to the applicant's claimed decryption of a received packet under control of a different one of the plurality of candidate sink session keys until a valid decryption result is found, as asserted in

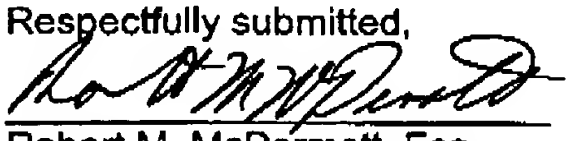
the Office action. In Gray's system, the current key is always the valid decryption key, and always provides a valid decryption result.

The Office action's interpretation of Gray fails to address the applicant's claimed element of "a ***different*** one of the plurality of candidate sink session keys", because Gray always uses exactly one decryption key (the current key) to decrypt each packet and does not apply a "different" key (the next key) to the marker packet that signals a switch to the new key. The Office action's interpretation of Gray also fails to address the applicant's claimed elements of "***until*** a valid decryption result is found" and "the candidate sink session key ***which produced the valid decryption result***", because Gray's application of the single current key ***always*** provides a valid decryption result. Gray does not address the possibility that the decrypted result is not valid, and thus cannot be said to decrypt an item *until* a valid decryption result is found.

Because Gray does not teach decrypting data of a received packet under control of a different one of the plurality of candidate sink session keys until a valid decryption result is found, the applicant respectfully maintains that a prima facie case of obviousness has not been established, and the rejection of claims 1-12 under 35 U.S.C. 103(a) over Komuro and Gray is unfounded, per MPEP 2142.

In view of the foregoing, the applicant respectfully requests that the Examiner withdraw the rejections of record, allow all the pending claims, and find the present application to be in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



Robert M. McDermott, Esq.
Reg. No. 41,508
804-493-0707